

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Sean PHILPOTT et al.
U.S. Serial No. : 10/695,846
Filing Date : October 29, 2003
For : ANALYSIS OF HIV-1 CORECEPTOR USE IN
THE CLINICAL CARE OF HIV-1 INFECTED
PATIENTS
Examiner : Louise Wang Zhiying Humphrey
Art Unit : 1648
Confirmation No. : 7869

745 Fifth Avenue
New York, NY 10151

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ON JUNE 8, 2007**

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Thomas J. Kowalski, declare that I am an attorney of record and that I am authorized to execute terminal disclaimers on behalf of Health Research Inc. ("HRI") pursuant to 37 C.F.R. § 1.321(b)(1)(iv) for the above-captioned application ("the present application") and U.S. Patent No. 6,727,060 ("the '060 patent");

That HRI is the owner of the entire right, title and interest in, to and under the present application by virtue of the assignment from the inventors as set out at Reel 019402 and Frame 0588 where said assignment was recorded at the U.S. Patent and Trademark Office on 06/08/2007;

That HRI is the owner of the entire right, title and interest in, to and under the '060 patent by virtue of the assignment from the inventors as set out at Reel 012439 and Frame 0088, where said assignment was recorded at the U.S. Patent and Trademark Office on 11/09/2001;

That HRI hereby disclaims the terminal part of any patent granted on the present application which would extend beyond the expiration date of the full statutory term of the '060 patent;

That HRI hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the '060 patent, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors or assigns;

That no terminal part of any patent granted on the present application is disclaimed prior to the full statutory term of the '060 patent, in the event that said '060 patent earlier expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or is terminally disclaimed under 37 C.F.R. §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term, except for the separation of legal title stated above;

Entry and recordation of this Terminal Disclaimer is earnestly solicited. A fee of \$130.00 is believed to be due. The Commissioner is hereby authorized to charge any additional required fee for this paper, or to credit any overpayment in fees, to Deposit Account No. 50-0320.

It is also noted that this paper is being provided merely to expedite prosecution and is presented without admission, without prejudice, without surrender of subject matter, without any intention of creating any estoppel as to equivalents.

Respectfully submitted,

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